

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kevin Carpenter, 317 Taylor Terrace, Chester PA 19013

(b) County of Residence of First Listed Plaintiff Delaware
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James D. Famiglio, 811 N. Providence Road,
Media, PA 19063**DEFENDANTS**GEO Secure Services, LLC., 621 NW 53rd Street, Suite 700
Boca Raton, FL 33487County of Residence of First Listed Defendant Delaware
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Matthew H. Fry, Esq., 21 W. Front Street, Media, PA 19063

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Section 1983Brief description of cause:
Civil Rights Violation**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jun 25, 2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Matthew H. Fry, Esquire

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Kevin Carpenter	:	CIVIL ACTION
	:	
v.	:	
	:	
GEO Secure Services, LLC., et al.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>June 25, 2021</u>	<u>Matthew H. Fry, Esquire</u>	<u>GEO Secure Services, LLC</u>
Date	Attorney-at-law	Attorney for
<u>610-565-5700</u>	<u>610-891-0652</u>	<u>mfry@dioriosereni.com</u>
Telephone	FAX Number	E-Mail Address

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Kevin Carpenter, 317 Taylor Terrace, Chester PA 19013

Address of Defendant: GEO Secure Services, LLC., 621 NW 53rd St, Boca Raton FL 33487

Place of Accident, Incident or Transaction: Delaware County, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 06/25/2021 Matthew H. Fry, Esquire 83131
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury *(Please specify):* _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____ Sign here if applicable
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**TO: THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA:**

Defendant, GEO Secure Services, LLC, by and through its attorneys, Robert M. DiOrio and Matthew H. Fry, give notice of removal of the above-captioned action from the Court of Common Pleas of Delaware County, Pennsylvania, in which this action is now pending, to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§1331, 1443, and 1446, and in support thereof aver as follows:

1. Plaintiff commenced this civil action by filing a Complaint on May 25, 2021. A true and correct copy of the Plaintiff's Complaint is attached as Exhibit "A".

2. Defendant GEO Secure Services, LLC was served with the Complaint on June 4, 2021 and Defendant has filed this Notice of Removal with 30 days of service of the Complaint, and thus this removal is timely pursuant to 28 U.S.C. §1441(e) and 28 U.S.C. §1446. A true and correct copy of the docket entries from the action filed in Delaware County Court of Common Pleas is attached hereto as Exhibit "B".

3. Plaintiff, Kevin Carpenter, has raised §1983 federal civil rights claims in his Complaint and thus this Court has original jurisdiction and this case is subject to removal pursuant to 28 U.S.C. §1331 and §1443(2). *See* Exhibit "A".

4. The entire record from the State Court is attached, which consists of Exhibit "A", Plaintiff's Complaint.

WHEREFORE, Defendant hereby gives notice of removal of the above action now pending in the Court of Common Pleas of Delaware County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania. This action will proceed in this

Court as an action properly removed thereto.

DiORIO & SERENI, LLP

DATE: June 25, 2021

BY: /s/ Robert M. DiOrio
ROBERT M. DiORIO, ESQ.
Attorney ID No.: 17838

/s/ Matthew H. Fry
MATTHEW H. FRY, ESQ.
Attorney ID No.: 83131
DiOrio & Sereni LLP
P.O. Box 1789
Media, PA 19063

EXHIBIT “A”

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
ARBITRATION NOTICE

Kevin Carpenter,
Plaintiff

v.

GEO Secure Services, LLC et al,
Defendant.

No. CV-2021-004692



This is to notify you that an Arbitration is
scheduled for:

02-22-2022

9:30 AM

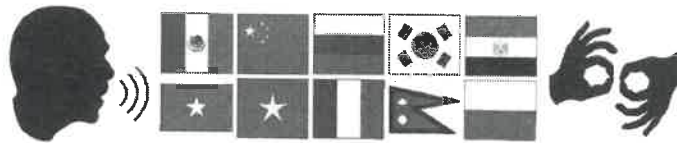
ATTENTION

Please report to the Arbitration Assembly Room, Delaware County Courthouse, Media, Pennsylvania. No further notice of the trial date will be given.

This matter will be heard by a Board of Arbitrators at the time, date, and place specified above but if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo or appeal from a decision entered by a Judge.

All pretrial motions with the exception of continuance applications must be filed thirty (30) days prior to the hearing date under Delaware County Local Rule 1303 (f).

Notice of Language Rights



Language Access Coordinator

Delaware County Courthouse, 201 West Front Street, Media, PA, 19063
610-891-4633

LanguageAccessCoordinator@co.delaware.pa.us

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

Spanish/Español: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

Vietnamese/Tiếng Việt: Quý vị có quyền được một thông dịch viên giúp mà không tốn chi phí nào cả, xin hãy báo cho nhân viên tòa án dùng thông tin liên lạc có ở trên đầu thông báo này.

French/Français : Vous avez le droit de bénéficier gratuitement de l'assistance d'un interprète. Pour en faire la demande, veuillez en informer le personnel du tribunal à l'aide des coordonnées indiquées en haut de page.

Punjabi/ਪੰਜਾਬੀ /India: ਤੁਹਾਨੂੰ ਇਕ ਦੁਭਾਸ਼ੀਆ ਹਾਸਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ, ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਲੱਗੇਗੀ। ਦੁਭਾਸ਼ੀਏ ਲਈ ਬੇਨਤੀ ਕਰਨ ਵਾਸਤੇ, ਕਰਿਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਮਲੇ ਨੂੰ ਜਾਣੂ ਕਰਵਾਓ ਤੇ ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਦੇ ਸਖਿਰ ਉਤੇ ਦੱਤੀ ਸੰਪਰਕ ਜਾਣਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੋ।

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
ARBITRATION NOTICE

Bengali / বাংলা: আপনার বিনামূল্যে একজন দো ভাষী পাবার অধিকার আছে। একজন দো ভাষী পাবার জন্য এই বজিৎপত্রি ওপর দওয়া যো গায়ো গ ববিরণী ব্যবহার করে আদালতরে কর্মচারীদরে সঙ্গে যো গায়ো গ করুন।

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

DELAWARE

County

For Prothonotary Use Only:

Docket No:

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Kevin Carpenter

Lead Defendant's Name:

GEO Secure Services, LLC

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested:
(check one)

- ☒ within arbitration limits
☐ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: James D. Famiglio, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☒ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other: _____

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other _____
☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other _____
☐ Other: _____

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other: _____

CIVIL APPEALS

- ☐ Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other _____

- ☐ Zoning Board
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: _____

Law Offices
JAMES D. FAMIGLIO, P.C.
811 N. Providence Road
Media, Pennsylvania 19063
610-359-9220
By: James D. Famiglio, Esquire
I.D. No. 51101

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PA
CIVIL ACTION - LAW

KEVIN CARPENTER

317 Taylor Terrace
Chester, PA 19013

Plaintiff,

v.

No.

GEO SECURE SERVICES, LLC

621 NW 53rd Street, Suite 700
Boca Raton, FL 33487

and

CORRECTION OFFICER, T. JONES

c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

and

**CORRECTION OFFICER,
SERGEANT S. JONES**

c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

and

CORRECTION OFFICER, JOHN DOE 1

c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

and

CORRECTION OFFICER, JOHN DOE 2

c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

Defendants.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance, personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that, if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff(s). You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERRAL SERVICE
Front & Lemon Streets, Media, PA 19063
610-566-6625**

Law Offices
JAMES D. FAMIGLIO, P.C.
811 N. Providence Road
Media, Pennsylvania 19063
610-359-9220
By: James D. Famiglio, Esquire
I.D. No. 51101

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PA
CIVIL ACTION - LAW

KEVIN CARPENTER
317 Taylor Terrace
Chester, PA 19013

Plaintiff,

v.

No.

GEO SECURE SERVICES, LLC
621 NW 53rd Street, Suite 700
Boca Raton, FL 33487

and

CORRECTION OFFICER, T. JONES
c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

and

**CORRECTION OFFICER,
SERGEANT S. JONES**
c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

and

CORRECTION OFFICER, JOHN DOE 1
c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

and

CORRECTION OFFICER, JOHN DOE 2
c/o George W. Hill Correctional Facility
500 Cheyney Road
Thornton, PA 19373

Defendants.

COMPLAINT

1. Plaintiff, Kevin Carpenter, is an adult individual who resides at the address referenced above.

2. Defendant, GEO Secure Services, LLC (hereinafter referred to as "GEO Secure"), is a corporation or other entity organized and existing under and by virtue of the laws of the State of Florida with a business address referenced above. At all times relevant hereto, Defendant, GEO Secure, was an indirect or direct subsidiary of Defendant, GEO Group.

3. Defendant, GEO Secure, is a private for-profit operator and/or lessee of correctional facilities. At all times relevant hereto, Defendant, GEO Secure, and/or its subsidiaries, parent corporations, successors in interest, or predecessors in interest, leased and operated the Prison, located in Delaware County, Pennsylvania. At no time relevant hereto was Defendant, GEO Secure, a municipality, political subdivision, or agency of the Commonwealth of Pennsylvania.

4. Defendant, Correction Officer, T. Jones (hereinafter referred to as "T. Jones"), was an employee of and was working at George W. Hill Correctional Facility on or about December 1, 2020 and has a business address located at the address referenced above.

5. Defendant, Correction Officer, Sergeant S. Jones (hereinafter referred to as "S. Jones"), was an employee of and was working at George W. Hill Correctional Facility on or about December 1, 2020 and has a business address located at the address referenced above.

6. Defendant, Correction Officer, John Doe 1 (hereinafter referred to as "Doe 1"), was an employee of and was working at George W. Hill Correctional Facility on or about December 1, 2020 and has a business address located at the address referenced above.

7. Defendant, Correction Officer, John Doe 2 (hereinafter referred to as "Doe 2"), was an employee of and was working at George W. Hill Correctional Facility on or about December 1, 2020 and has a business address located at the address referenced above.

COUNT I
NEGLIGENCE
Plaintiff v. All Defendants

8. Plaintiff incorporates the foregoing paragraphs as though fully set forth herein at length.

9. On or about December 1, 2020, Defendant, GEO Secure, did possess, control operate, manage and/or ran the daily operations of the Prison, which at that time had as their agents, servants, workmen and/or employees, Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, for the purpose of engaging in their business of providing private business services and/or acting within the scope of their employment.

10. Defendants, each of them, by and through their agents, servants, workmen or employees did possess and/or had under their care, direction, supervision, control and custody and were responsible for the daily operations of the George W. Hill Correctional Facility (hereinafter referred to as "the Prison").

11. On or about December 1, 2020, Plaintiff was an inmate at the Prison.

12. On or about December 1, 2020, Plaintiff was an inmate at the Prison, in particular, housed in SMU 3B, Cell 201. Upon entering the cell, while in full restraints, he was attacked, assaulted and maced by several officers without any provocation or cause. Plaintiff was violently and brutally caused to suffer physical harm with great force by agents, servants, workmen and/or employees of all Defendants, and in particular, but not limited to, by Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, whom at that time were acting as agents, servants, workmen or employees in their capacity as corrections officers at the Prison. They physically harmed Plaintiff with great force by striking him on various parts of his body, choking him, shoving him, and causing him to fall to the ground. As a result of same, Plaintiff sustained severe personal injuries hereinafter more particularly described. At the time of the assault, Plaintiff was in his cell at the Prison.

13. The physical harm suffered by Plaintiff, committed by Defendant's, each of them, by and through their agents, servants, workmen and/or employees as aforesaid, was in no manner whatsoever due to any act or failure to act upon the part of Plaintiff.

14. The damages hereinafter set forth were caused by the negligence of all Defendants and their agents, servants, workmen and/or employees, each and all of them, generally and in the following particulars:

- (a) Negligently performing their duty to protect Plaintiff from criminal acts of agents, servants, workmen or employees while he was an inmate on the grounds of the Prison;
- (b) Failure to protect Plaintiff from physical harm caused by accidental harmful acts of agents, servants, workmen or employees while he was an inmate on the grounds of the Prison;
- (c) Failure to protect Plaintiff from physical harm caused by negligent, harmful acts of agents, servants, workmen or employees while he was an inmate on the grounds of the Prison;
- (d) Failure to protect Plaintiff from physical harm caused by intentional harmful acts of agents, servants, workmen or employees while he was an inmate on the grounds of the Prison;
- (e) Failure of Defendants as the possessors, controllers and operators of the Prison to exercise reasonable care to discover that such harmful acts as stated above were likely to be committed or were committed;
- (f) Failure of Defendants as possessors, controllers and operators of the Prison to give adequate warning to enable Plaintiff to avoid the harm or otherwise protect himself against the harm;
- (g) Failure of Defendants to employ or engage as their agents, servants, and/or workmen, properly trained correction officers;
- (h) Failure of Defendants to warn Plaintiff of the danger that agents, servants, workmen and/or employees acting as correction officers could commit the harm as aforesaid;
- (i) Failure of Defendants to intervene to stop the harm as aforesaid;
- (j) Failure of Defendants to have as agents, servants, workmen, employees and/or correction officers who could have controlled the action of the parties referred to above who committed the harm upon the Plaintiff, and thereby preventing the harm upon the Plaintiff;
- (k) Negligently hiring or otherwise having as agents, servants, workmen and/or employees adult individuals with propensities for committing violent acts and/or inflicting mental distress on third parties, including the Plaintiff;

- (l) Negligently hiring, contracting with or otherwise using as agents, servants, workmen and/or employees companies and/or adult individuals with a record of demonstrating violence and aggression;
- (m) Negligently hiring, contracting with or otherwise using as agents, servants, workmen and/or employees adult individuals with a criminal history and/or a criminal record of demonstrating violence and aggression; and
- (n) Permitting individuals upon the premises of the Prison with propensities for doing violence and/or inflicting mental distress upon third parties, including the Plaintiff.

15. Defendants, each of them, had actual knowledge, notice, or should have known that their agents, servants, workmen and/or employees, including Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, had in the past displayed conduct that was reckless, violent and/or aggressive, and therefore, had the opportunity and ability to exercise control over their agents, servants, workmen and/or employees, Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, in a manner that would protect third parties, including the Plaintiff, from injuries.

16. Defendants, each of them, failed to exercise normal and reasonable care, skill and diligence, and were therefore negligent in performing their duties to supervise and control the conduct of their employees in one or more of the following manners:

- (a) Entrusting its agents, servants, workmen and/or employees, Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, with correction officer responsibilities for the Prison;
- (b) Defendants, each of them, in the exercise of reasonable care, knew or should have known, that such conditions as aforesaid, were dangerous and would lead to injuries to third parties, including the Plaintiff;
- (c) Failing to prevent their agents, servants, workmen and/or employees, Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, from becoming reckless, violent and aggressive, despite having actual knowledge and/or notice that their agents, servants, workmen and/or employees, Defendants, had previously acted recklessly, violently and/or aggressively toward third parties;
- (d) Failing to properly supervise their agents, servants, workmen and/or employees, Defendants, T. Jones, S. Jones, Doe 1, and Doe 2;

- (e) Failing to properly train their agents, servants, workmen and/or employees, Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, on the proper use of their authority as correction officers, the proper techniques for investigating, the proper use of physical force, and the proper way to constrain an individual under the circumstances as aforesaid; and
- (f) Defendants, each of them, failing to use reasonable care, skill and diligence when hiring Defendants, T. Jones, S. Jones, Doe 1, and Doe 2, as correction officers at the Prison.

17. The harmful acts as specified above were foreseen and anticipated or should have been foreseen and anticipated by Defendants.

18. As a direct and proximate result of the Defendants' negligence, each of them, Plaintiff sustained injuries in and around his body, serious impairment of bodily functions and/or permanent serious disfigurement; he suffered scarring and other permanent damage to the skin, he suffered bruises, contusions and a tearing and stretching to various muscles, ligaments, tendons, vascular, nerve and other soft tissues in and about the area of his head, face, neck, shoulders, back, arms, legs, ankles and feet; he suffered injuries to his right eye including bruising and cuts, abrasions to his neck, injury to his back and injury to his wrist; and if, at the time of the accident, the Plaintiff was suffering from any pre-existing condition or ailment, such were asymptomatic; and, as a result of the trauma, such condition or ailment was activated, aggravated, exacerbated and made symptomatic; he suffered a severe shock to his nerves and nervous system; all of which did and may and probably will in the future, continue to, cause him great physical pain and mental anguish; and these injuries may and probably will be permanent in effect.

19. Further, by reason of the aforesaid, Plaintiff has been obliged to expend various sums of money for medicine and medical attention in about endeavoring to treat and cure himself of his said injuries, and will be obliged to spend additional sums of money for the same purposes in the future, all to his great financial damage and loss.

20. As a further result of the accident and the injuries sustained therein, Plaintiff has and/or may suffer an impairment of his earnings and earning capacity and power.

21. As a direct result of the incident aforesaid, Plaintiff has and may hereinafter incur, additional financial and/or medical expenses or losses.

22. Plaintiff avers that his injuries and damages sustained were caused solely as a direct result of the negligence, carelessness and recklessness of all Defendants.

WHEREFORE, Plaintiff claims compensatory and punitive damages from the Defendants, each of them, jointly and severally, in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), plus costs.

COUNT II
ASSAULT AND BATTERY
Plaintiff v. All Defendants

23. Plaintiff incorporates the foregoing paragraphs as though fully set forth herein at length.

24. On or about December 1, 2020, at the Prison, Defendants, each of them, by and through their agents, servants workmen and/or employees, and in particular, Defendants, T. Jones, S. Jones, Doe 1 and Doe 2, acting within the scope of their authority, did without any provocation or cause, violently and brutally assault and batter the Plaintiff with great force by striking him in the face, legs, and ankles, and other various parts of his body, causing him to fall to the ground, and as a result of same, he sustained severe personal injuries hereinafter more particularly described.

25. On or about December 1, 2020, at the Prison, Defendants, each of them, by and through their agents, servants workmen and/or employees, and in particular, Defendants, T. Jones, S. Jones, Doe 1 and Doe 2, acting within the scope of their authority, did without any provocation or cause, violently and brutally assault and batter the Plaintiff with great force by striking him in the face, legs, and ankles, and other various parts of his body, causing him to fall to the ground, and as a result of same, he sustained severe personal injuries hereinafter more particularly described.

26. The assault and battery committed by Defendants, each of them, by and through their agents, servants, workmen and/or employees, and in particular, Defendants, T. Jones, S. Jones, Doe 1 and Doe 2, upon the person of Plaintiff were in no manner whatsoever due to any act or failure to act upon the part of the Plaintiff.

27. As a direct and proximate result of the Defendants' negligence, each of them, Plaintiff sustained injuries in and around his body, serious impairment of bodily functions and/or permanent serious disfigurement; he suffered scarring and other permanent damage to the skin, he suffered bruises, contusions and a tearing and stretching to various

muscles, ligaments, tendons, vascular, nerve and other soft tissues in and about the area of his head, face, neck, shoulders, back, arms, legs, ankles and feet; he suffered injuries to his right eye including bruising and cuts, abrasions to his neck, injury to his back and injury to his wrist; and if, at the time of the accident, the Plaintiff was suffering from any pre-existing condition or ailment, such were asymptomatic; and, as a result of the trauma, such condition or ailment was activated, aggravated, exacerbated and made symptomatic; he suffered a severe shock to his nerves and nervous system; all of which did and may and probably will in the future, continue to, cause him great physical pain and mental anguish; and these injuries may and probably will be permanent in effect.

28. Further, by reason of the aforesaid, Plaintiff has been obliged to expend various sums of money for medicine and medical attention in about endeavoring to treat and cure himself of his said injuries, and will be obliged to spend additional sums of money for the same purposes in the future, all to his great financial damage and loss.

29. As a further result of the incident and the injuries sustained therein, Plaintiff has and/or may suffer an impairment of his earnings and earning capacity and power.

30. The tortious conduct in the form of assault and battery that was committed by Defendants, each of them, acting as agent, servant, workman and/or employees of all Defendants, was egregious and oppressive and amounted to outrageous conduct, justifying the imposition of punitive damages.

31. As a direct result of the incident and the injuries sustained therein, Plaintiff has, and may hereinafter, incur additional financial and/or medical expenses or losses.

32. Plaintiff avers that his injuries and damages sustained were caused solely as a direct result of the negligence, carelessness and reckless of all Defendants.

WHEREFORE, Plaintiff claims compensatory and punitive damages from the Defendants, each of them, jointly and severally, in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), plus costs.

COUNT III
Civil Rights - 42 U.S.C. § 1983
Plaintiff v. All Defendants

33. Plaintiff incorporates the foregoing paragraphs as though fully set forth herein at length.

34. This Count is brought pursuant to 42 U.S.C. § 1983 and the Fourth, Eighth and fourteenth Amendmenst to the United States Constitution.

35. As a direct and proximate result of said acts of the Defendants as described above, each of them, Plaintiff suffered the following injuries and damages:

- (a) violation of his constitutional rights under the Fourth, Eight and Fourteenth Amendments to the United States Constitution, including the right to be free from cruel and unusual punishment and the free from the excessive use of force; and
- (b) physical pain and suffering and emotional trauma and suffering.

36. The actions of the Defendants, each of them, violated the following clearly established and well-settled federal constitutional rights of Plaintiff:

- (a) Freedom from cruel and unusual punishment and from the use of excessive, unreasonable, and unjustified force against his person.

37. Defendants, T. Jones, S. Jones, Doe 1 and Doe 2, used unnecessary, unreasonable, willful and malicious, and therefore, excessive force, thereby violating Plaintiff's rights under the laws of the Constitution of the United States, in particular, the Fourth Amendment, and his rights under the Constitution and laws of the Commonwealth of Pennsylvania.

38. The Defendants are being sued individually and in their official capacities.

39. The acts of Defendants, each of them, were committed while they were acting under color of state law.

WHEREFORE, Plaintiff claims compensatory and punitive damages from the Defendants, each of them, jointly and severally, in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), plus costs, which sum includes, but is not limited to:

- (a) a compensatory award;
- (b) reasonable attorney's fees and costs;
- (c) damages for pain and suffering; punitive damages; and

- (d) such further and other relief as reasonable and just as recoverable under 42 U.S.C. § 1983.

Law Offices
JAMES D. FAMIGLIO, P.C.

By: James D. Famiglio
JAMES D. FAMIGLIO, ESQUIRE
Attorney for Plaintiff

Dated: 5/25/21

VERIFICATION

I, James D. Famiglio, Esquire, verify that I am the attorney for Plaintiff in the within matter and that the statements made in the foregoing Complaint are true and correct to the best of my knowledge.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Law Offices
JAMES D. FAMIGLIO, P.C.

By: *James D. Famiglio*
JAMES D. FAMIGLIO, ESQUIRE
Attorney for Plaintiff

Dated: 5/25/21

EXHIBIT “B”



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Details

Case Number CV-2021-004692

Title Carpenter v. GEO Secure Services, LLC et al

Classification Civil - Tort - Premises Liability

Filed Date 05/25/2021 2:14 PM

PARTIES

DOCKET ENTRIES

JUDGMENTS

ASSESSMENTS

RECEIPTS

Docket Entry Filed Date and Time ↑

Docket Entry Subtype

Docket Entry Description

Filer

05/25/2021 2:14 PM

Complaint

Complaint {E-FILED}

Carpenter,
Kevin

05/25/2021 2:14 PM

Entry of Appearance

Entry of Appearance of
James D. Famiglio,
Esquire for Plaintiff {E-
FILED}Carpenter,
Kevin

05/25/2021 2:51 PM

Arbitration Case
Initiated

Arbitration Case Initiated

05/25/2021 2:51 PM

Receipt

Receipt #000410555 for
\$297.25 paid for by
JAMES FAMIGLIO

05/25/2021 2:51 PM

Arbitration Date

Arbitration Hearing
Scheduled for 02-22-2022

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CERTIFICATE OF SERVICE

We, Robert M. DiOrio and Matthew H. Fry, attorneys for Defendant, hereby certify that a true and correct copy of the foregoing Notice of Removal was filed electronically via the Court's Electronic system on the date below and is available for viewing and download by all counsel of record.

Respectfully submitted:
DiORIO & SERENI, LLP

Date: June 25, 2021

BY: /s/Robert M. DiOrio
ROBERT M. DIORIO, ESQ.
Attorney ID No. 17838

/s/ Matthew H. Fry
MATTHEW H. FRY, ESQ.
Attorney ID No. 83131
21 West Front Street
P.O. Box 1789
Media, PA 19063
(610) 565-5700 (telephone)
(610) 891-0652 (facsimile)